

CHAPTER NO. 305

HOUSE BILL NO. 1542

By Representatives Hargrove, Sherry Jones, John DeBerry, Todd, Marrero

Substituted for: Senate Bill No. 811

By Senators Burchett, Burks

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, relative to certain sexual offenses committed on the grounds of institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-7-129, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) Regardless of whether a public or private institution of higher education has entered into a mutual assistance agreement with a law enforcement agency pursuant to § 49-7-118, the chief security officer or chief law enforcement officer of such institution shall immediately notify, unless otherwise provided by federal law, the local law enforcement agency with territorial jurisdiction over the institution if the medically unattended death of a person occurs on the property of such institution or if such officer is in receipt of a report from the victim of such offense alleging that any degree of rape has occurred on the property of such institution. The chief security officer or chief law enforcement officer shall designate one (1) or more persons who shall have the authority and duty to notify the appropriate law enforcement agency in the absence of the chief security officer or chief law enforcement officer.

(c) Upon notification pursuant to subsection (b), it shall be the duty of each law enforcement agency to participate in a joint investigation of the death or alleged rape reported pursuant to subsection (b). In the case of a medically unattended death, the local law enforcement agency shall lead the investigation. In the case of an alleged rape, the institution's law enforcement agency shall lead the investigation.

SECTION 2. Tennessee Code Annotated, Section 49-7-2207, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) The provisions of subsection (a) shall not apply if the offense the student is believed to have committed is a sexual assault of any kind and the victim of such assault does not consent to the reporting of the offense.

SECTION 3. Tennessee Code Annotated, Section 49-7-2202, is amended by deleting subdivision (1) and substituting instead the following:

(1) "Institution of higher education" includes any college, community college or university, including the state technology centers, whether public or private, operating its own campus security force or other security arrangement on-campus; and

SECTION 4. Tennessee Code Annotated, Section 49-7-129, is further amended by adding the following as a new subsection (e) and by relettering present subsection (e) accordingly:

(e) Any official of a public or private institution of higher education receiving a report from a victim of rape occurring on the property or in the vicinity of such institution shall refer the victim of the availability of a sexual assault program or other service on campus or in the community. Sexual assault programs shall report annually, by January 31, the number of requests for assistance received from victims who were raped on or in the vicinity of a public or private institution of higher education during the preceding calendar year to the chief security or law enforcement officer of such institution.

SECTION 5. Tennessee Code Annotated, Section 49-7-129, is further amended by adding the following as a new subsection (e) and by relettering present subsection (e) accordingly:

(e) Any official of a public or private institution of higher education receiving a report from a victim of rape occurring on the property or in the vicinity of such institution shall refer the victim to a sexual assault program or other service on campus or in the community. Sexual assault programs shall report annually, by January 31, the number of requests for assistance received from victims who were raped on or in the vicinity of a public or private institution of higher education during the preceding calendar year to the chief security or law enforcement officer of such institution.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 18, 2005


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 6th day of June 2005


PHIL BREDESEN, GOVERNOR